

Message Text

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21

ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-03 H-02 INR-07 L-02

NSAE-00 NSC-05 PA-02 RSC-01 PRS-01 SP-02 SS-15

USIA-15 OMB-01 AID-05 TRSE-00 ACDA-10 CU-04 NIC-01

/089 W

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R 141045Z NOV 74

FM AMEMBASSY VALLETTA

TO SECSTATE WASHDC 5861

INFO AMEMBASSY LONDON

AMEMBASSY ROME

UNCLAS VALLETTA 1756

E.O. 11652: N/A

TAGS: PINT, PFOR, MT, UK, VT

SUBJECT: CONSTITUTIONAL CHANGES: INITIAL EDITORIAL REACTIONS

REF: VALLETTA 1751

1. INITIAL EDITORIAL REACTIONS TO PRIME MINISTER MINTOFF'S PRE-POSED AMENDMENTS TO MALTA'S 1964 (INDEPENDENCE" CONSTITUTION FOLLOWED PREDICTABLE PATTERNS. MALTA'S TWO ENGLISH-LANGUAGE DAILY NEWSPAPERS PUBLISHED THE FOLLOWING EDITORIALS NOVEMBER 14.

2. CONSERVATIVE TIMES OF MALTA EDITORIAL ENTITLED "CONSTITUTIONAL CHALLENGE"STATED:

"THE SOCIALIST GOVERNMENT, AFTER MONTHS OF SECRET DISCUSSIONS WITH THE OPPOSITION, HAS PUBLISHED ITS PROPOSED CONSTITUTIONAL AMENDMENTS COUPLED WITH DRASTIC AND RESTRICTIVE MEASURES TO FREEDOM OF EXPRESSION ON THE EVE OF ELECTIONS.

"THE OPPOSITION HAS REPEATEDLY AND PUBLICLY UPHELD THE BASIC TRUTH THAT NEITHER THE GOVERNMENT NOR THE OPPOSITION HAS A MANDATE TO AMEND THE CONSTITUTION. NEITHER OF THE TWO PARTIES

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IN PARLIAMENT EVEN HINTED AT CONSTITUTIONAL CHANGES IN THEIR

RESPECTIVE ELECTORAL PROGRAMMES. THERE IS NO GOING BACK ON THIS WITHOUT BETRAYING THE ELCTORS. THE SOCIALISTS MUST TAKE THE CONSTITUTIONAL PROPOSALS TO THE PEOPLE.

"THE PROPOSED AMENDMENTS ARE NOT SIMPLY AMENDMENTS. WITH ONE STROKE OF THE PEN THE SOCIALIST GOVERNMENT IS VIRTUALLY ASKING PARLIAMENT TO EMPOWER IT TO AMEND BY A SIMPLE MAJORITY, OR BY TWO-THIRDS MAJORITY, ACCORDING TO WILL AND WHIM, PARTS OF THE CONSTITUTION WHICH THE SOCIALISTS OR ANY OTHER PARTY IN GOVERNMENT MAY OR MAY NOT LIKE FROM TIME TO TIME.

"THE SOCIALIST GOVERNMENT IS OPENING THE WAY FOR THIS TO BE DONE BY THE PRESENT AND FUTURE GOVERNMENTS WITHOUT CONSULTING THE PEOPLE EITHER AT ELECTION-TIME (THE ONLY TIME THE WILL OF THE PEOPLE IS SUPREME) OR AT ANY OTHER TIME DURING A GOVERNMENT'S CONSTITUTIONAL TERM OF OFFICE; IF ONE CAN SPEAK OF A CONSTITUTIONAL TERM OF OFFICE WITH ANY DEGREE OF CERTAINTY CONSIDERING THE PROPOSED KEY AMENDMENT TO SECTION 6 OF THE CONSTITUTION.

"SECTION 6 IN THE PRESENT CONSTITUTION BEARS THE PROUD TITLE "CONSTITUTION TO BE SUPREME". THIS IS IN ACCORDANCE WITH THE SACROSANCT PRINCIPLE THAT THE CONSTITUTION IS THE SUPREME LAW OF THE LAND AND MUST PREVAIL OVER OTHER LASW WHICH MAY, IN PART OR IN WHOLE, CLASH WITH ANY PROVISION OF THE CONSTITUTION.

"THE SOCIALISTS PROPOSE TO INVERT THIS BASIC PRINCIPLE AND INTRODUCE THE UNHEARD OF PRINCIPLE WHICH WOULD ENABLE ANY GOVERNMENT, WITH THE NARROWEST OF MAJORITIES, TO MAKE AND ENFORCE LAWS EVEN IF THEY CONFLICT WITH PARTS OF THE CONSTITUTION. IT MAKES ONE WONDER AND ASK: WHY HAVE A CONSTITUTION AT ALL IF IT IS NOT TO BE SUPREME? HOW CAN A FREE PEOPLE GIVE UP THE BASIC PRINCIPLE THAT ITS CONSTITUTION DOES NOT BELONG TO THE PARTY WITH A TEMPROARY MAJORITY IN PARLIAMENT BUT TO THE PEOPLE AS A WHOLE?

"THE SOCIALISTS IN MALTA, IN THE YEAR OF GRACE 1974, WANT TO "DONATE" MALTA, WITHOUT THEIR BEING ASKED, AS WRITTEN CONSTITUTION THAT MIGHT JUST AS WELL NOT BE WRITTEN AT ALL. IT IS A WRITTEN CONSTITUTION THAT MAY BE RE-WITTEN FROM DAY TO DAY
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WITHOUT THE PEOPLE'S MANDATE.

"THE SOCIALISTS ARE, IN EFFECT, PROPOSING TO ASSUME THE RIGHT TO SET THEMSELVES UP AS CONSTITUTION-MAKERS UNTIED BY SUCH VITAL DEMOCRATIC PRINCIPLES AS THE SUPREMACY OF THE CONSTITUTION FOR THE PROTECTION OF MINORITIES.

"THE SOCIALISTS ARE SUGGESTING THIS COURSE OF ACTION AT

A TIME WHEN THEY HAVE NOT CONSTITUTED THE CONSTITUTIONAL COURT, THUS DENYING A LEGAL METHOD OF CHALLENGING THE PROPOSED DIMINUTING OF THE SUPREMACY OF THE CONSTITUTION FOR THEIR OWN ENDS.

"THEIR ENDS ARE CLEAR: THE TRANSITION OF THE STATE OF MALTA AS IT IS KNOWN TODAY TO AN ISOLATED REPUBLIC; THE REMOVAL OF STATE GUARANTEES OF THE FREEDOM OF THE CATHOLIC CHURCH TO MANAGE HER PROPER SPIRITUAL AND ECCLESIASTICAL FUNCTIONS, PARTICULARLY AT THE TIME OF ELECTIONS WHEN THE CATHOLIC ELECTORS OF MALTA AND GOZO ARE CHOOSING THEIR REPRESENTATIVES TO PARLIAMENT ON PROGRAMMES THAT MAY RAISE GRAVE RELIGIOUS ISSUES; AND FINALLY THE GAGGING OF THE PRESS DURING POLLING WEEK WITH THREATS OF FINES AND IMPRISONMENT FOR ANYONE DARING TO BREAK THE DEADLY SILENCE THAT MIGHT WAKE UP THE ELECTORS TO POSSIBLE POLITICAL AND/OR RELIGIOUS DANGERS.

"THE SOCIALISTS ARE WELL AND TRULY ADDING A CONSTITUTIONAL CHALLENGE IN MALTA TO ALL THE OTHER ECONOMIC PROBLEMS FACING THE ISLAND."

3. GENERAL WORKERS UNION MALTA NEW EDITORIAL ON "A DEMOCRATIC CONSTITUTION" STATED:

"FOR THE PAST THREE YEARS LABOUR PARTY MEMBERS HAVE MADE STATEMENTS IN PARLIAMENT AND DECLARED DURING PUBLIC MEETINGS, THAT THE GOVERNMENT WILL PURSUE ITS POLICY TO AMEND THE CONSTITUTION WHICH IT HAD ALWAYS MAINTAINED WAS IMPOSED ON THE MALTESE PEOPLE.

"NOW THAT THE PROPOSED AMENDMENTS IN THE CONSTITUTION HAVE BEEN PUBLISHED IN THE GOVERNMENT GAZETTE FOLLOWING THE FIRST READING OF THE BILL IN THE HOUSE OF REPRESENTATIVES ON MONDAY, IT IS ONLY A MATTER OF TIME BEFORE THE CHANGES ARE IMPLEMENTED.
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"THE MOST NOTEWORTHY CHANGES IN THE CONSTITUTION INCLUDE:

- THAT MALTA SHALL BECOME A REPUBLIC AND THE OFFICE OF GOVERNOR-GENERAL BE SUBSTITUTED BY THAT OF A PRESIDENT WHO MUST BE A MALTESE CITIZEN AND ELECTED FOR FIVE YEARS BY A RESOLUTION OF THE HOUSE OF REPRESENTATIVES;

- THE ROMAN CATHOLIC APOSTOLIC RELIGION SHALL REMAIN THE RELIGION OF MALTA AND THE AUTHORITIES OF THE CHURCH SHALL HAVE THE DUTY AND THE RIGHT TO TEACH WHICH PRINCIPLES ARE RIGHT AND WHICH ARE WRONG, WHILE RELIGIOUS TEACHING OF THE RELIGION SHALL BE PROVIDED IN ALL STATE SCHOOLS AS PART OF COMPULSORY EDUCATION.

"THE BIRTH ALSO OF SOME OTHER PROVISIONS INCLUDING THE LOWERING OF THE VOTING AGE TO 18 YEARS; A RESHUFFLE OF THE ELECTORAL BOUNDARIES; THE SETTING UP OF AN EMPLOYMENT COMMISSION; A POSSIBLE CHANGE IN THE NUMBER OF MEMBERS OF PARLIAMENT; AND THE RIGHT OF THE ELECTORAL COMMISSION TO SUSPEND THE ELECTION IN CASES OF ILLEGAL ACTIVITIES OR CORRUPTION.

"CONFIDENTIAL TALKS ON THE PROPOSED CHANGES IN THE CONSTITUTION BETWEEN GOVERNMENT AND OPPOSITION, HAVE BEEN GOING ON FOR MONTHS AND FROM WHAT CAN BE DISCERNED AFTER LAST WEEK'S SPEECH BY THE DEPUTY LEADER OF THE NATIONALIST PARTY, MR. VINCENT TABONE, THERE IS ONLY ONE MAJOR POINT ON WHICH THE PARTIES HAVE NOT YET AGREED. HOWEVER, DR. TABONE SHOWED OPTIMISM THAT WITH GOODWILL FROM BOTH SIDES THIS OBSTACLE WILL BE OVERCOME.

"THIS IS GOOD NEWS FOR THE GOVERNMENT HAS NO ALTERNATIVE BUT TO PRESS AHEAD WITH THE CHANGES SO THAT MALTA CAN HAVE A CONSTITUTION MORE LIBERAL AND TRULY DEMOCRATIC. WE HAVE A GREAT DEAL OF GROUND YET TO COVER, BUT ONCE THE CONSTITUTION IS AMENDED WE WILL BE EMBARKING UPON AN IRREVERSABLE COURSE DESTINED TO MAKE MALTA A BETTER PLACE FOR THE PEOPLE TO LIVE TOGETHER IN HARMONY.

"ONLY A CONSTITUTION AS PROPOSED BY THE LABOUR GOVERNMENT CAN LEAD MALTA ON THE ROAD OF PROGRESS, PEACE AND UNCLASSIFIED

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PROSPERITY."

4. COMMENT: PROPOSED CONSTITUTIONAL CHANGES WILL NOT BE DISCUSSED IN PARLIAMENT BEFORE NEXT WEEK. WIGGINS

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: PRESS COMMENTS, CONSTITUTION, CONSTITUTIONAL AMENDMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 14 NOV 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974VALLET01756
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740330-0210
From: VALLETTA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19741142/aaaabjbc.tel
Line Count: 205
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EUR
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: VALLETTA 1751
Review Action: RELEASED, APPROVED
Review Authority: golinofr
Review Comment: n/a
Review Content Flags:
Review Date: 13 NOV 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <13 NOV 2002 by martinml>; APPROVED <22-Nov-2002 by golinofr>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CONSTITUTIONAL CHANGES: INITIAL EDITORIAL REACTIONS
TAGS: PINT, PFOR, MT, UK, VT
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005